

In The United States District Court For Southern District of New York

Annamarie Trombetta,

Plaintiff,

vs.

Norb Novocin, Marie Novocin,

Estate Auctions Inc.

and

WorthPoint Corporation

Defendants

Civil Action No. 18-cv-0993-RA-HBP

PLAINTIFF’S REPLY

TO ESTATE AUCTIONS INC.’S

DEFENDANTS’ COUNTER STATEMENTS

MATERIAL FACTS IN DISPUTE

PLAINTIFF’S REPLY TO ESTATE AUCTIONS INC.’S RESPONSE

TO PLAINTIFF’S STATEMENT OF FACTS RULE 56.1

DEFENDANT’S COUNTER STATEMENTS OF

MATERIAL FACTS IN DISPUTE

Due to the libelous false statement disputed by EAI in their responses to Plaintiff’s Statements of Material Facts, Plaintiff begins with EAI Responses to No. 15 thru No. 17.

PLAINTIFF’S STATEMENT OF FACTS NO. 15 — ON PAGES 2 TO 5

PLAINTIFF’S STATEMENT OF FACTS NO. 16 ---- ON PAGES 6 TO 8

PLAINTIFF’S STATEMENT OF FACTS NO. 17 ———ON PAGES 9 TO 12

PRELIMINARY STATEMENT

Pro Se Plaintiff, Annamarie Trombetta, on April 17, 2023 filed seventeen Statements of Undisputed Material Facts Rule 56.1 noted in ECF 433. On May 30, 2023 Defendant's attorney Anderson Duff representing Estate Auction Inc. and Norb and Marie Novocin filed Defendants responses in ECF 477-1 which have false insinuations that are highly libelous and exemplify another assault against Plaintiff's character.

ARGUMENT

Plaintiff brings to the Court's attention Plaintiff's three Statements of Facts pertaining to the EAI photos depictions of the front and back signatures allegedly on the "1972 Oil Painting Man With Red Umbrella". Plaintiff's undisputed statement was disputed by EAI. First, Plaintiff takes issue with Defendants' repetitive response statements in No. 15, 16 and 17, which falsely asserts and insinuate a statement that again is incriminating to my character.

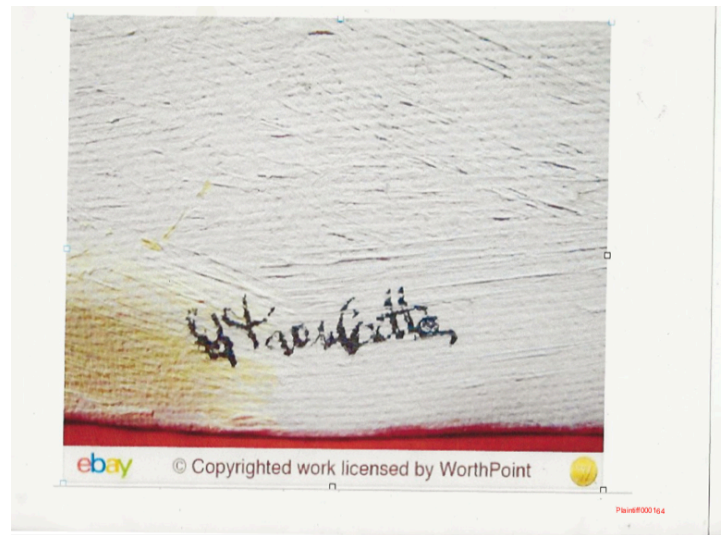
PLAINTIFF'S STATEMENT OF FACTS NO. 15

No. 15. There is no dispute that the signature A. Trombetta, on the front of the 1972 Original Oil Painting entitled Man With Red is not the Plaintiff's signature.

EAI Defendants' Response: Disputed. The record does not demonstrate with evidence aside from Plaintiff's testimony that this statement is true, and Plaintiff has demonstrated that she is willing to make misrepresentations while under oath.

Plaintiff finds the libelous statements by Defendants "Plaintiff has demonstrated that she is willing to make misrepresentations while under oath" to be spurious and devoid of any evidence and is consistent with Defendants other public, falsely written statements against Plaintiff. Defendants first false public statement that initiated Plaintiff's lawsuit, is the caption by EAI in their self created auction ad, on WorthPoint's webpage incorrectly claiming the "1972 Original Oil Painting Man With Red Umbrella was Signed Annamarie Trombetta by New York Listed Artist" Plaintiff's name and designated location was in Estate Auctions

Inc's public, written false statement however, EAI's ad never featured a photo signature "Annamarie Trombetta", rather the photo in the Estate Auctions Inc's advertisement was a signature depicting "A. Trombetta". Norb Novocin admitted, on page 38 of his Sept. 21, 2022 deposition, that even he found the alleged "A. Trombetta signature on the front of the canvas to be "garbled and kinda hard to read" evidenced on page 38 in **EXHIBIT #1A**. The second admission by Mr. Novocin admitting he could not discern the A. Trombetta signature is on Page 52 in **EXHIBIT #1 B**. WorthPoint's attorneys asked Mr. Novocin "*When you looked at the back of the stretcher and you saw the words Annamarie Trombetta that we discussed earlier, did it help you interpret what the signatures may have read?*" Norb Novocin replied "*It certainly interpreted the last name. I couldn't do anything for that first initial.*" On Page 47 from Norb Novocin's Sept. 21st deposition in **EXHIBIT #1 C**, WorthPoint's attorneys further questioned Mr. Novocin about the allegedly 12 photos in the EAI ad for the 1972 oil painting and about the signature. WorthPoint's attorneys asked "*Sir, how do you know that?*" Norb Novocin replied "*Because if there's anything we have seen over and over is this signature. It came off of Worthpoint. It's the only signature or only picture that survived on Worthpoint. Why, I don't know. That's how we know. It just was there.*" On pages 31- 32, and pages 83 to 86, of Mr. Novocin deposition, in **EXHIBIT #1 D**, he was questioned if he saw any "Tear" in the painting written in the WorthPoint webpage statement "*It is quite large being approx. 48 1/2" tall and 17 1/2" wide. We are calling it shabby chic condition as it has a tear in the canvas, about 5/8" long just to the left of the man's knees,*" Novocin viewed the photo he produced as evidence for the 1972 oil painting. "Mr. Novocin, was asked by WorthPoint's attorneys "*Can you see the tear in this image?*" Mr. Novocin replies "*No*" WorthPoint attorney asked Mr Novocin "*To your knowledge, was this painting ever restored?*" " Norb Novocin replied "*No, it was not.*" Below are two the photos from the EAI auction ad.

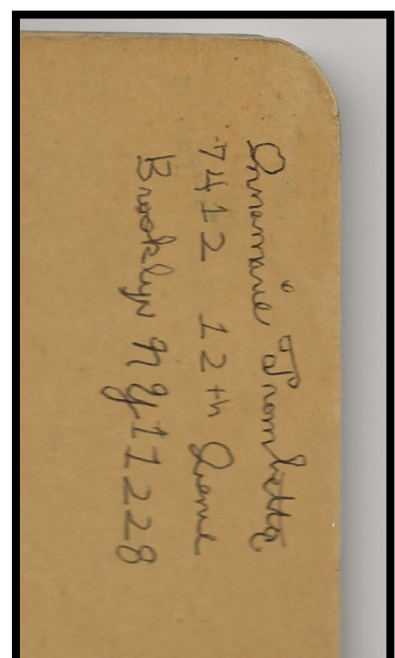
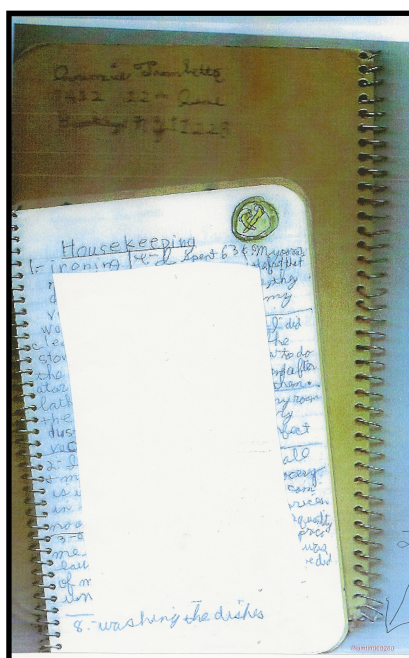
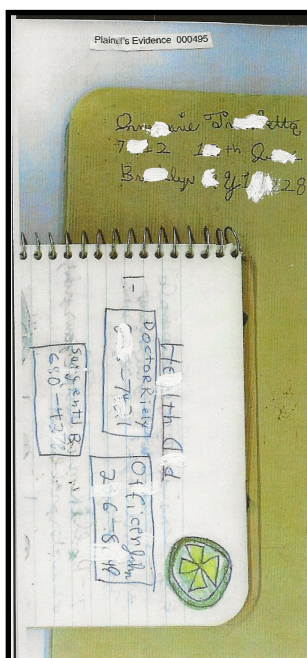


PLAINTIFF'S STATEMENT OF MATERIAL FACTS NO. 15

15[a]. There is no dispute that the signature A. Trombetta, on the front of the 1972 Original Oil Painting entitled *Man With Red* is not the Plaintiff's signature. (Pl. Declaration ¶¶ 34 Ex. 47)

EAI Defendants' Response: Disputed. The record does not demonstrate with evidence aside from Plaintiff's testimony that this statement is true, and Plaintiff has demonstrated that she is willing to make misrepresentations while under oath.

Plaintiff brings to the Court's attention on April 8, 2022 Plaintiff produced from my 1972 notebook three examples of my "authentic 1972 childhood signatures" **EXHIBIT #2 A** My evidence inserted below., was produced to both Defendants over a year and a half ago.



Defendants Estate Auction Inc and Norb and Marie Novocin 's response by attorney Anderson Duff, willfully and defiantly denied and disputed Plaintiff's 1972 childhood signature. Mr Duff stated " *The record does not demonstrate with evidence aside from Plaintiff's testimony that this statement is true*". Plaintiff's record is in a tangible form of evidence devoid of any testimony. In No. 15 Plaintiff refuted Defendants "A. Trombetta photo signature" and I affirmed it is not mine or by my hand. Since 2017, Plaintiff phoned and informed Marie Novocin on Jan. 10, 2017, the signature and 1972 oil painting was not by the Plaintiff. In turn, Norb Novocin phoned the Plaintiff during which time Norb Novocin admitted in 2017 and stated " *We didn't even state it was by you. We JUST stated it was signed Annamarie Trombetta.*" It is an undisputed fact that Estate Auction Inc photo signature does not depict the name Annamarie Trombetta. I affirm EAI's "A. Trombetta" photo is not my signature.

Speaker 2 Trombetta

And you don't know how you acquired it.

Speaker 1 Novocin

I acquired it at an auction, somewhere. It could have been... I go to about four auctions a week. I sell about 360 items every week. ... every week. So no I don't know which auction this came from.

Speaker 2 Trombetta

Well, since it's a painting, shouldn't it have had some kind of authenticity or ah uh ...as your wife said, provenance ?

Speaker 1 Novocin

If it doesn't have provenance..... there's lots of paintings out there without a provenance and so what we stated this ... We didn't even state it was by you. We just stated it was signed Annamarie Trombetta.

00:03:42;14 - 00:03:43;28

Speaker 2 Trombetta

Right And that's fraud, sir.

00:03:44;07 - 00:03:51;28

Speaker 1 Novocin

Why is that fraud ?

Speaker 2 Trombetta

Because, I did not do that painting. And I'm not a hack of a painter. I'm a professional painter.

00:03:52;03 - 00:03:52;21

Speaker 1 Novocin

Okay

Inserted at the left is an excerpt from page 3 of the January 10, 2017 phone call transcript between Norb Novocin and Plaintiff, Annamarie Trombetta. Plaintiff in 2017 informed Norb Novocin his auction ad and painting constitutes Fraud. **EXHIBIT #2 A**
Page 3 Novocin
Phone Transcript.

PLAINTIFF’S STATEMENT OF MATERIAL FACTS NO. 16 :

Plaintiff brings to the Court’s attention the absurd assertion by EAI Defendant.s

Mr. Duff’s egregious and spurious response once again is denying factual evidence from Estate Auctions Inc own production and verifies Plaintiff’s name was misspelled in three ways.

No16. *There is no dispute that the signature in red pencil on back stretcher bar of the 1972 Original Oil Painting entitled Man With Red is not the Plaintiff’s signature.(Declaration ¶¶ 3 of Trombetta Ex. 45 46)*

EAI Defendants’ Response: Disputed. The record does not demonstrate with evidence aside from Plaintiff’s testimony that this statement is true, and Plaintiff has demonstrated that she is willing to make misrepresentations while under oath.

Plaintiff undisputed statement of facts has nothing to do with Plaintiff’s testimony and therefore Mr. Duff’s response should be stricken and proven to be contemptuously fraudulent. This is an attempt to created conflict when his own client’s production of the red pencil signature, allegedly on the back of the wooden stretcher of the 1972 oil painting , has misspelled Plaintiff’s name. Plaintiff points out in the EAI auction advertisement Plaintiff’s full name was used and spelled as one word, with no space in between the name Anna and Marie. Secondly the EAI auction advertisement has seven consistent spellings of Plaintiff’s first name as “Annamarie” ending in the letter “E”, yet the evidence of the red pencil photo produced by E A I misspelled Plaintiff’s name which ends in the letter “A”. In addition, Plaintiff does not separate my two name ANNA from MARIE nor do I capitalize the M in Marie, nor do I end my name in the letter “A”. My first name is NOT ANNA MARIA as it is documented in EAI’s evidence in the photo produced by Defendant Norb and Marie Novocin. After the completion of discovery in Dec. 2022, Plaintiff’s added a claim for Fraud (Rule 9) and Tort

due to conversion of personal property, and intentional infliction of emotional distress, and loss of enjoyment of life. In New York, a tort is defined as any unlawful act that causes harm to another person, their property, reputation etc. Plaintiff filed my Second Amended Complaint on December 27, 2022 in ECF 348 s due to the Novocins' false, public assertion that the "1972 Oil Painting Man With Red Umbrella" was SIGNED Annamarie Trombetta and falsely photo featured a signature devoid of my full name. EAI depicted the photo "A. Trombetta. Both signature produced by Defendants, red and black, front and back, prove the 1972 oil painting is not signed "Annamarie Trombetta". I also note each signature looks completely different from the other.

Plaintiff adds to the subject of the red pencil signature a significant alteration made by attorney Anderson Duff in his EAI Rule 56.1 Statement of Facts in ECF 421, SMF No 11, filed on April 17, 2023. Mr. Duff in No. 11 made a noteworthy omission, and wrote "The wooden frame appearing on the back of the Painting featured the statement "Annamarie Trombetta, painted 1972."" (Duff Decl. ¶ 3, Ex. A at 35:16-24, Ex. 2.) In ECF 421 Mr. Duff's statement of fact, No 11, literally changed and omitted the space between Anna and Maria and changed ANNA MARIA to a spelling as one word, Annmarie. He also changed in SMF No. 11 ending with letter "A" as in the EAI photo evidenced to the letter "E". Another notable alteration and significant change by Mr. Duff is the omission of the EAI phrase "GIFTED 1977". Mr. Duff insidious chicanery has been willfully implemented in his statement of material facts SMF No. 11 which differs from the photo on the wooden stretcher bar. These documented changed facts exemplifies another attempt to manipulate and alter evidence, which he uninhibitedly filed in Federal Court. Below is Mr. Duff's Statement of Material Facts No. 11 from Case 1:18-cv-00993-RA-SLC in ECF 42 filed 04/17/23 page 2 of 10.

11. The wooden frame appearing on the back of the Painting featured the statement "Annamarie Trombetta, painted 1972." (Duff Decl. ¶ 3, Ex. A at 35:16-24, Ex. 2.)

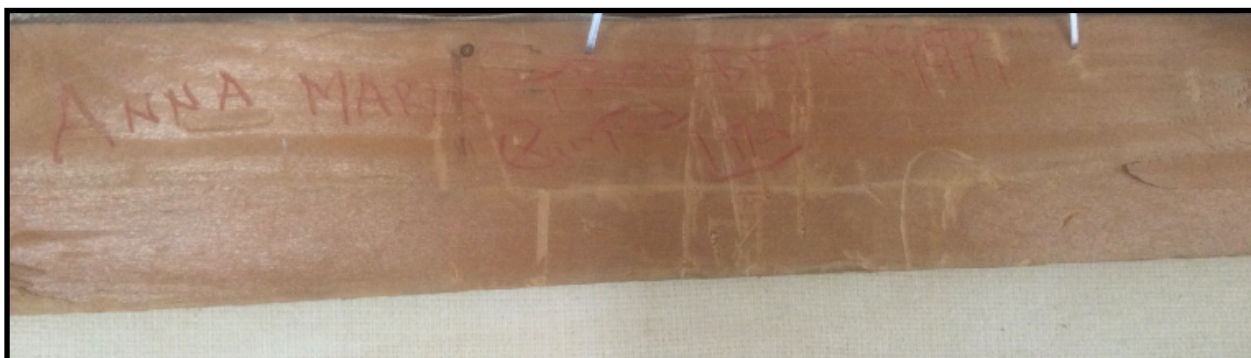
In the WorthPoint's webpage, please note four correct spelling of the name "Annamarie" as one word ending in the letter "E" and the phrase "Gifted 1977" missing from Mr. Duff's SMF No. 11

>>>>> UP IN THIS AUCTION <<<<< 1972 Original Oil Painting Man With Red Umbrella Signed Annamarie Trombetta New York Listed Artist - Shabby Chic Condition

- DESCRIPTION - Please be patient there are 12 photos to be loaded in this auction. Up in this auction is a wonderful and delightful oil on canvas painting of a man (I guess it could be a woman) with a red umbrella. This is by Annamarie Trombetta. It is signed on the bottom, but on the back it has written in red on the stretcher, Annamarie Trombetta "Gifted" 1977, "Painted" 1972. To our eyes it looks like it is after the style of Andre Kohn. It is quite large being approx. 48 1/2" tall and 17 1/2" wide. We are calling it shabby chic condition as it has a tear in the canvas, about 5/8" long just to the left of the man's knees, but still such a great painting. For those not familiar with Trombetta, here is information about her from off AskArt as they got it from her website: Annamarie Trombetta (1963 -) Lived/Active: New York The nature of an artist's life, creativity and

<http://www.worthpoint.com/worthopedia/1972-original-oil-painting-man-red-48034133> Plaintiff000158

Below are inserted photos allegedly on the back stretcher of the 1972 oil painting titled by Norb Novocin as "Man With Red Umbrella" which has misspelled my name and states "Gifted 1977".



PLAINTIFF'S STATEMENT OF FACTS NO. 17

The last of notable Disputed responses by Defendants is in Plaintiff's No. 17 SMF.

17, There is no dispute that the Plaintiff is not the artist who painted the 1972 Original Oil Painting Man With Red Declaration ¶¶ 32 Trombetta Ex. 43 44 Exhibit #2.

EAI Defendants' Response: Disputed. The record does not demonstrate with evidence aside from Plaintiff's testimony that this statement is true, and Plaintiff has demonstrated that she is willing to make misrepresentations while under oath.

Plaintiff brings to the Court's attention an excerpt from by copyrighted biography that was in Estate Auctions Inc. auction ad, "gleaned" from my website. This statement affirms Plaintiff age when I began painting in oils in the "Eighties". The last excerpt in the EAI ad is below:

" I began my formal training at The Brooklyn Museum School of Art while I was in high school. The exposure to various forms of art inspired me to expand my horizons and in the early Eighties I traveled on a summer tour to Europe. The tour comprised of six countries; Germany, Austria, France, Italy, Switzerland and England. Viewing so many different cities and cultures in a concentrated period of time ...



In the EAI auction ad above, the last visible sentence was cut off with continuation dots.

I also note on Page 12 of ECF 422 Defendants admitted :” *Norb spent a half an hour or less creating EAI's eBay listing for the Painting and did not read the biography*”. Mr.

Novocin admitted he did not read Plaintiff's biography. EAI's red pencil signatures misspelled

Plaintiff's name in addition Plaintiff declared since 2017 to Defendants Marie and Norb Novocin, yet Mr. Duff's response to Plaintiff's SMF No. 17 was to DISPUTE and state **The record does not demonstrate with evidence aside from Plaintiff testimony.** Mr. Duff's response is proven as a false statement by the red signature and the text in the EAI auction ad that states and included my affirmation "*I began my formal training when I was in high school.*" Defendants documented "A. Trombetta" photo signature and EAI false written statement that the 1972 oil painting was signed "Annamarie Trombetta New York Listed Artist" was publicly distributed long before litigation. Presently, these false statements are conjoined with EAI's production of the red pencil signatures as evidence. This signature is unlike the Plaintiff childhood 1972 signature which spells my name correctly. Plaintiff's has proven the red pencil handwriting is not my signature. Plaintiff has suffered a severe loss of time due to Mr. Novocin's NOT reading my biography. Defendants willful denials alleging they did nothing wrong while refuting I am not the artist after I submitted my 1972 signage to Defendants has caused me to lose eight years of my time, causing irreplaceable damage.

Mr. Duff's renunciation of the verified facts set forth by the Defendants' signatures and that of the Plaintiff, demonstrates Defendants are repeatedly choosing to ignore the truth and are willfully rejecting liability. Plaintiff affirms to the Court, it is both Defendants defiant reluctance conjoined with the willful intent to perpetuate false statements against the Plaintiff that is the foundation and purpose for my lawsuit. My pursuit to take legal actions was always to request Declaratory Relief and to impose legal enforcements by requesting Permanent Injunctive Relief to legally prevent and prohibit both Estate Auctions Inc and WorthPoint Corp from ever using my name in any conceivable, way to include attributions to works of art. The severe and extreme loss amount of time Plaintiff has suffered and the enormous efforts to litigate this case to prohibit both Defendants from using my name is incalculable and inequitable in terms of monetary losses. I note that my injuries have increased and my mental stability has

been compromised. I have no time to earn any income for the past three years while my cost of living has increased. All of my problems and loss professional pursuits and loss of enjoyment of my are due to the antagonistic and inept individuals who chose to target Plaintiff.

Once again, in May/ June of 2015, my biography was listed on askART. In June and July 2015 Plaintiff signed onto eBay for the first time and put a bid on an item. Norb Novocin sells items on eBay and has been is a paid member of askART since 2001. He is a member of WorthPoint Corp since May 2014. It is not difficult to deduce Mr. Novocin saw my one with eBay and /or concurrently saw my bio listed on askART in 2015. In all probability, Defendants back dated the year of any alleged 2012 painting intentionally, knowing that eBay only keeps sales records for no more than three to six month. Plaintiff in Dec. 201 checked with eBay to make sure there was no records for the EAI 2012 sale. The two inserts below are from the eBay phone transcript from Dec. 2012 ,

EXHIBIT #2 B Pages 8 eBay phone transcript and Plaintiff's Evid. 000144 000158.

00;13;17;03 - 00;13;32;26
EBay Customer Service
 It's actually a different selling page it's essentially a third party application from eBay as well let me check, it's actually a third party app. It's a marketplace. It's not from eBay.
 00;13;33;17 - 00;13;36;02

BELOW Page 9 eBay phone transcript Ebay agent Jamie post was not on eBay's website.

00;15;36;21 - 00;15;45;22
Jamie eBay Customer Service
 Okay. The phone number for WorthPoint contact information. Customer service will be 877 481-5750.
 00;15;46;12 - 00;15;56;24
Annamarie Trombetta
 Well, I did call them and they said that I had to get in touch with eBay because if they don't sell anything, they're a database. So I keep going back and forth.
 00;15;59;16 - 00;16;10;12
Jamie eBay Customer Service
 Let me try see at our end to maybe they provided information like a third party app to give it to me tried to go ahead and provide that information here on eBay.
 And do it again. OK,
Annamarie Trombetta
 OK. Because I still don't understand what you mean by third party. You're saying that it is the responsibility of WorthPoint to have that information.
Jamie eBay Customer Service
 Yes Maam

Ebay's agent named Jamie also confirmed the false 1972 oil painting post was not on eBay's website and gave me WorthPoint's contact phone number. Plaintiff produced the eBay phone call to Defendants on April 11, 2022, over three weeks before Estate Auctions Inc produced the first truncated, cut off, eBay sales receipt on April 27, 2022. On November 16, 2022, EAI Defendants produce an uncut version of an eBay receipt with a missing bold Yellow Bar which was in the April 27, 2022 eBay receipt. Once again there are four 2012 eBay receipts.

From August 2015, onwards I have been subjected to consistent misinformation and lies by both Defendants,. Below are the other disputed facts by EAI Defendants and Anderson Duff.

PLAINTIFF'S STATEMENT OF FACTS NO. 15 — ON PAGES 2 TO 5

PLAINTIFF'S STATEMENT OF FACTS NO. 16 — ON PAGES 6 TO 8

PLAINTIFF'S STATEMENT OF FACTS NO. 17 — ON PAGES 9 TO 12

PLAINTIFF'S STATEMENT OF FACTS NO. 3

3. Defendants Estate Auctions Inc and Norb and Marie Novocin the latter two of which own or owned EAI and will be referred to as the "Individual Defendants" herein, copied and exploited Annamarie Trombetta's personal, self authored original biography in advertising and marketing materials on eBay Auctions accounts without the knowledge or consent of Plaintiff and without Plaintiff's Copyright identifying notice "All work on this site are © AnnamarieTrombetta. All rights reserved" Plaintiff as the author and owner of the Subject Plaintiff's Copyrighted Personal Biography The copyright infringement was used for commercial and financial gain and to sell a damaged oil painting dated 1972, The unauthorized infringement was used to falsely attribute Plaintiff/Artist Annamarie Trombetta as the artist that created/painting this large oil painting which was torn and sold for \$181.50 which depreciates the my current Plaintiff current market value.

EAI Defendants' Response: Disputed. Nothing in the record demonstrates that the sale of the painting at issue depreciated the market value for Plaintiff's work.

Plaintiff's Response: EAI Defendants and attorney Anderson Duff have failed to review and acknowledge PlaintiffEvidence produced in discovery on or around April 2022 thru November 2022. Plaintiff has bated stamped evidence submitted to all Defendants on or before April 8, 2022

which are records of verification that the Estate Auctions Inc auction advertisement on WorthPoint's webpage did indeed depreciate, caused losses and professional embarrassment which depreciated the market value of s artwork, my prices and my artistic career.

Plaintiff's Exhibits which substantiate Plaintiff's claim are in an email from January 2015 from Susan Goldstein articulating " I am in love with The Wisteria painting, how much is it?" in Plaintiff Evidence 000072 and the loss of this sale of artwork in Plaintiff's Evidence 000073 . A quote from Susan Goldstein's letter states " *My aunt's assistant did point out that the description on WorthPoint internet site reference the artist Annamarie Trombetta's website.....The reference to the website of Annamarie Trombetta on the WorthPoint site is the main reason why my aunt did not purchase the painting*"

EXHIBIT #3 Plaintiff Evid. 000072 Jan. 2015 email from Susan (Sudha) Goldstein

EXHIBIT #4 Plaintiff Evid. 000073 Notarized Letter Susan Goldstein-Lost sale of artwork

Additional records depreciating the market value for Plaintiff's work is the email/letter by Gallery Tour Guide and Artist Scott Goodwillie which includes his statement

"For those of us in the "Professional Field of Art": particularly in the year 2015, anyone selling artwork particularly on eBay or any other online platform is considered an amateur artist_ The Internet listing, once discovered by the galleries, sabotaged the interest in Ms. Trombetta's work_ I can attest to this from personal experience that the internet link ended all possibilities of gallery representation."

EXHIBIT #5 Plaintiff Evid. 000074 Scott Goodwillie Letter/Email loss of interested gallerists in Plaintiff's artwork due to the EAI auction ad on WorthPoint's website.

Another record of evidence is in the email letter by the Director of the Italian American Museum, Dr. Joseph Scelsa. A quote from Dr. Scelsa's April 2022 letter states " *I have been informed that someone has attempted to use her name on works not of her creation. This in no way should be seen as a reflection on her works but unfortunately it could devalue them. I sincerely hope her name can be removed from any works not created by her. If not, it may jeopardize our ability to show her work in the future.*"

Dr. Scelsa also made this comment due to Plaintiff's listing of my solo exhibit at the Italian American Museum which was unethically joined to the 1972 Oil Painting listing.see in EXHIBIT #7.

EXHIBIT #6 Plaintiff Evid. 000075 Dr. Joseph Scelsa Letter/Email Fraudulent ad and oil painting Jeopardizing Plaintiff's future chances to exhibit at Italian American Museum.

EXHIBIT #7 Plaintiff's Evid. 000052 Plaintiff's Evid. 000053 Plaintiff's Evid. 000056 Listing of 1972 Original Oil Painting Man With Red Umbrella Signed with Plaintiff's solo - Italian American Museum Exhibit and website link [italianamerican museumexhibition On Site Plein air.html](http://italianamericanmuseumexhibition.com/OnSitePleinair.html)-Annamarie Trombetta

PLAINTIFF’S STATEMENT OF FACTS NO. 4

4. Defendant EAI Norb and Marie Novocin first exploited the Plaintiff Personal Biography as part of an online display and alleged sale on eBay of an oil painting in 2012. Plaintiff and her colleagues found the eBay ad in August 2015. One month earlier, for the first time Plaintiff signed into eBay’s website. On or around July 2015. A few weeks after Plaintiff signed onto eBay’s website, listed under my name was a false 1972, incorrect attribution with my-self authored biography that was truncated and preceded with Estate Auctions Inc.’s company description Plaintiff’s biography was altered mid-sentence with three dots added inferring the sentient and biography continued. Plaintiff’s CMI from my website was removed.

EAI Defendants’ Response: Disputed. Nothing in the record demonstrates that Plaintiff’s CMI was removed from Plaintiff’s biography. Defendant Norb Novocin did not edit the biography of Plaintiff copied from askArt. (EAI Defendants’ Statement of Material Facts ¶ 18, ECF No. 421 at 3.)

Plaintiff’s Response: EAI Defendants and attorney Anderson Duff have failed to review and acknowledge Plaintiff Evidence produced in discovery on or around April 2022 thru November 2022. Plaintiff reminds the Court that Plaintiff’s has filed my copyright management information which is on all nine pages I submitted. A close up version of my CMI is annexed in **EXHIBIT #8 000295**

EXHIBIT #8 000295 SEE ECF 503 SEE EXHIBIT #2 Copyright Deposit Pages in Plaintiff’s Evid. 000119, 000120, 0000121, 000122, 000123, 000124, 000125 and Plaintiff’s Evid. 000126.

PLAINTIFF’S STATEMENT OF FACTS NO. 5

5. The EAI eBay 1972 oil painting ad with Plaintiff copyright biography falsely claims Plaintiff is the artist, which I am not. The EAI eBay 1972 oil painting ad falsely stated EAI took my biography from askART. The oil painting was allegedly sold in 2012. Plaintiff gave my consent to have my biography listed on askART in 2015 to Bob Bahr author. Me Novocin falsely stated I am the artist who painted the 1972 painting and I did NOT. Novocin that he took my Biography for askART which Plaintiff’s proof can refute a second false claim by Norb Novocin. Since November 2001 he has been a member of askART.

EAI Defendants’ Response: Disputed. The record demonstrates that Defendant Norb Novocin obtained Plaintiff’s biography from askArt and did not edit the same. (EAI

Defendants' Statement of Material Facts ¶ 18, ECF No. 421 at 3.) Defendant Norb Novocin has never visited Plaintiff's website. Id. ¶ 17. Defendant Norb Novocin obtained all of the information about Plaintiff for EAI's eBay listing for the painting at issue from askArt. Id. ¶ 16.

Plaintiff's Response: EAI Defendants and attorney Anderson Duff have failed to review and acknowledge Plaintiff Evidence produced in discovery on or around April 2022. Plaintiff has repeatedly submitted evidence that my askART biography was listed on askART in 2015, not 2012. Wayback Machine is a separate non-party entity and documented the date of September 22, 2015 and recorded only ONE capture in its' online public information displayed on its website. Plaintiff once again files Plaintiff. Evid. 000149, 0000150 and 000151 to refute the continuous false disputed statements made by Estate Auctions Inc and the Novocins.

EXHIBIT #9 Plaintiff. Evid. 000149, 0000150 and 000151

PLAINTIFF'S STATEMENT OF FACTS NO. 6

6. There is no dispute that Defendants have created infringing derivative works from the Plaintiff's Subject Self Authored Biography.

EAI Defendants' Response: Disputed. The record demonstrates that Defendant Norb Novocin obtained Plaintiff's biography from askArt and did not edit the same. (EAI Defendants' Statement of Material Facts ¶ 18, ECF No. 421 at 3.) Defendant Norb Novocin has never visited Plaintiff's website. Id. ¶ 17. Defendant Norb Novocin obtained all of the information about Plaintiff for EAI's eBay listing for the painting at issue from askArt. Id. ¶ 16.

Plaintiff's Response: EAI Defendants and attorney Anderson Duff have failed to review and acknowledge Plaintiff Evidence produced in discovery on or around April 2022 thru November 2022. Plaintiff has repeatedly submitted evidence that my askART biography was listed on askART in 2015 not in 2012. Wayback Machine with is a separate non-party entity documented the date of September 22, 2015 and recorded only ONE capture in its' online public information displayed on its now website. Plaintiff once again files Plaintiff. Evid. 000149, 0000150 and 000151 to refute the continuous false disputed statements made by Estate Auctions Inc and The Novocins.

SEE EXHIBIT #9 Plaintiff. Evid. 000149, 0000150 and 000151

PLAINTIFF’S STATEMENT OF FACTS NO. 8

8. There is no dispute that WorthPoint Corporation Defendants have failed to produce the requested Customer Support Ticket Entries with No. Ticket No. 57565 RE Fraudulent artwork dated Feb. 1, 2016 and the first request dated Jan. 22, 2026 for Ticket No. 56607 RE WorthPoint Price Guide Membership subscription and Plaintiff’s request to remove false 1972 post.

EAI Defendants' Response: Disputed. The EAI Defendants do not have sufficient evidence to agree that this statement is undisputed and therefore dispute the same.

Plaintiff’s Response: EAI Defendants and attorney Anderson Duff have failed to review and acknowledge Plaintiff Evidence produced in discovery on or around April 2022 thru November 2022. Plaintiff has produced in discovery to both Defendants, Plaintiff’s dated emails with the Ticket No. 57565 RE Fraudulent artwork dated Feb. 1, 2016 and the first request dated Jan. 22, 2026 for Ticket No. 56607 and has annexed these date documents once again with this filing.

**EXHIBIT #10 Plaintiff Evid. 000022 -Plaintiff Evid. 000023-Plaintiff Evid. 000024
Plaintiff Evid. 000026 -Plaintiff Evid. 000028 Plaintiff Evid. 0000228 B**

PLAINTIFF’S STATEMENT OF FACTS NO. 9

9. After Plaintiff’s initial notice of infringement in 2016, WorthPoint took no steps to ensure that it wouldn’t happen again.

EAI Defendants' Response: Disputed. The EAI Defendants do not have sufficient evidence to agree that this statement is undisputed and therefore dispute the same.

Plaintiff’s Response: EAI Defendants and attorney Anderson Duff have failed to review and acknowledge Plaintiff Evidence produced in discovery on or around April 2022 thru November 2022. WorthPoint Corp has produced evidence in WP 000132-000133 and 000134 which proves the URL for the 1972 Oil Painting post was on the internet. Aside from this Plaintiff has filed dated Google Listing Print outs and WorthPoint’s sent emails to Plaintiff evidence In EXHIBIT #11

**EXHIBIT #11 WorthPoint Corp produced evidence in WP 000132-000133 and 000134
Plaintiff Evid. 000058 -Plaintiff Evid. 000059 - Plaintiff Evid. 000060
Plaintiff Evid. 000062A Plaintiff Evid. 000063 Plaintiff Evid. 000064
Plaintiff Evid. 000065 Plaintiff Evid. 000066 Plaintiff Evid. 000067
Plaintiff Evid. 000068**

PLAINTIFF’S STATEMENT OF FACTS NO. 10

10. There is no dispute that Plaintiff first contacted WorthPoint on Jan. 22, 2016 and spoke to Anita Brooks by phone and sent emails to WorthPoint.

EAI Defendants' Response: Disputed. The EAI Defendants do not have sufficient evidence to agree that this statement is undisputed and therefore dispute the same.

Plaintiff’s Response: EAI Defendants and attorney Anderson Duff have failed to review and acknowledge Plaintiff Evidence produced in discovery on or around April 2022 thru November 2022. Plaintiff in January 2016 first filled out on January 14, 2016 WorthPoint’s Item Review Request in Plaintiff’s Evil. 000285 and 000286 in EXHIBIT #12. Aside from this SEE EXHIBIT #10 Plaintiff’s Evil. 0000021 Plaintiff’s Evil. 0000023 Plaintiff’s Evil. 000025 Plaintiff’s Evil. 0000027

**EXHIBIT #12 Plaintiff’s Evil. 000285 and 000286 and Plaintiff’s Evil. 0000021
Plaintiff’s Evil. 000023 Plaintiff’s Evil. 000025 Plaintiff’s Evil. 000027**

EXHIBIT #13 Phone Transcript of Plaintiff and WorthPoint employee Anita Brooks

PLAINTIFF’S STATEMENT OF FACTS NO. 11

11. There is no dispute that Plaintiff contacted WorthPoint on Feb. 3, 2016 and spoke to Gregory Watkins by phone and sent emails to WorthPoint.

EAI Defendants' Response: Disputed. The EAI Defendants do not have sufficient evidence to agree that this statement is undisputed and therefore dispute the same.

Plaintiff’s Response: EAI Defendants and attorney Anderson Duff have failed to review and acknowledge Plaintiff Evidence produced in discovery on or around April 2022 Plaintiff produce my phone call transcript of the Feb. 3, 2016 and spoke to Gregory Watkins which is annexed in EXHIBIT #14

EXHIBIT #14 Phone Transcript of Plaintiff and WorthPoint employee Greg Watkins

PLAINTIFF’S STATEMENT OF FACTS NO. 12

12. There is no dispute that Will Seippel WorthPoint Corp. published and evidenced in a responded to Plaintiff first email on February 20, 2016 and wrote “we will remove the item.

EAI Defendants' Response: Disputed. The EAI Defendants do not have sufficient evidence to agree that this statement is undisputed and therefore dispute the same.

Plaintiff’s Response: In this instance EAI Defendants and attorney Anderson Duff have failed to review and acknowledge Plaintiff Evidence as well as WorthPoint Corp’s evidence. Annexes in EXHIBIT # 15 is WorthPoint’s bate stamped evidence in WP000062 also WP00096 and WP000135 which are the same document bate stamped three different numbers. In addition to this Plaintiff Evid. has bate stamped the same Will Seippel Feb. 20, 2016 email to Plaintiff in Plaintiff Evid. 000034 , the bottom of Plaintiff Evid. 000039 and Plaintiff Evid. 000040.

EXHIBIT # 15 WorthPoint’s bate stamped evidence in WP000062 WP00096 and WP000135.

EXHIBIT #16 Plaintiff Evid. bate stamped Will Seippel Feb. 20, 2016 email to Plaintiff in Plaintiff Evid. 000034 Plaintiff Evid. 000039 and Plaintiff Evid. 000040.

PLAINTIFF’S STATEMENT OF FACTS NO. 13

13. There is no dispute that Second Defendants WorthPoint Corp. published and evidenced in the January 4, 2017 emails in WP000132, WP000133, WP000134 the 1972 oil painting URL on WorthPoint’s website.

EAI Defendants' Response: Disputed. The EAI Defendants do not have sufficient evidence to agree that this statement is undisputed and therefore dispute the same.

Plaintiff’s Response: In this instance Plaintiff chose to list a Statement of Materil facts that has nothing to do with Plaintiff evidence rather it is WorthPoint’s evidence. Plaintiff notes to the Court that EAI Defendants and attorney Anderson Duff have willfully failed acknowledge WorthPoint’s Evidence which demonstrates “Bad Faith” and a deliberate intent to create conflicts by refuting even WorthPoint Corp’s evidence. Annexed in EXHIBIT #17.

EXHIBIT #17 WorthPoint Evid. Jan. 4, 2017 emails WP000132, WP000133, WP000134

PLAINTIFF’S STATEMENT OF FACTS NO. 14

14. The Infringing eBay ad was an important part to come to their site and purchase the WorthPoint Membership of Defendants’ online business, and both companies benefited on the back of its marketing efforts, which took place solely online.

EAI Defendants’ Response: To the extent EAI Defendants understand this statement of fact, it is disputed. The EAI Defendants do not have sufficient evidence to agree that this statement is undisputed and therefore dispute the same.

Plaintiff’s Response: Plaintiff brings to the Courts attention the content of the Estate Auctions Inc auction ad begins with a description and introduction of the EAI online eBay business. on WorthPoint’s webpage. Plaintiff also notes to the Court, in order to see the Prices of the sold items WorthPoint requires that the customer sign up for WorthPoint’s monthly membership which is \$19.99 per month. In order to sign onto WorthPoint;s membership the customer must provided and enter a credit card number. Plaintiff does NOT benefit at all from any item that is sold on any online company nor is it considered professional to have one’s artwork sold on eBay. Usually, this type of selling platform is for amateur artist who sell their work very cheaply. Moreover, the 1972 oil painting is considered a “secondary market” painting which does NOT entitle an artist to any royalty rites who reside in the state of New York. Annexed is the WorthPoint Membership receipt documenting the \$19.99 fee . Annexed is

**EXHIBITS # 18 A Plaintiff Evid. 000872 Plaintiff Yahoo WorthPoint Membership fee
EXHIBITS # 18 B Plaintiff Evid. 000158 -000159 Text from 1972 oil painting ad on
WorthPoint webpage with Estate Auction Inc description.**

PLAINTIFF’S STATEMENT OF FACTS NO. 15

15. WorthPoint advertises sale because it “want[s] people to come to their site and purchase the WorthPoint Membership.

EAI Defendants’ Response: Disputed. The EAI Defendants do not have sufficient evidence to agree that this statement is undisputed and therefore dispute the same.

EXHIBITS # 18 A Plaintiff Evid. 000872 Plaintiff Yahoo WorthPoint Membership fee

CONCLUSION

For the foregoing reasons, Pro Se Plaintiff respectfully requests the Court to take notice of Defendants most recent libelous statements against the Plaintiff. In addition, many of Plaintiff's seventeen Statement of Material Facts were disputed by Defendant despite conclusive evidence produced months ago. Plaintiff also notes in No. 13, the evidence disputed by Estate Auction Inc was against WorthPoint evidence not the Plaintiff's evidence. The relentless denial by Defendants opposing clear cut facts and evidence exemplifies Defendants attempt to further belabor the Plaintiff and elongate this case. It is obvious that Estate Auctions Inc 1972 oil painting two signatures, one that is misspelled and the other hard to read, proves Plaintiff did not paint the oil painting. Plaintiff is requesting the Court to grant all Plaintiff's claims to include Fraud, Intentional Infliction of Emotional Distress and Tort, added and described in my SAC in ECF 348, filed on Dec. 27, 2022. As duly noted, Defendants responses in 477-1 filed on May 30, 2023, demonstrate further false assertions by Estate Auctions Inc. For over six years Defendants have willfully denied Plaintiff did not paint the 1972 oil painting. Plaintiff has proven I am not the artist and therefore requests all relief as per Plaintiff's claims, in all my amended complaints be granted as the Court, in its discretion may deem just and proper.

Dated: New York, New York June 14, 2023

Annamarie Trombetta
175 East 96th Street (12 R)
New York, New York 10128
Pro Se Plaintiff

Respectfully Submitted by

——Electronic Signature——

/s/ Annamarie Trombetta June 14, 2023

Annamarie Trombetta Pro Se Plaintiff

EXHIBITS

PLAINTIFF’S STATEMENT OF FACTS NO. 15 NO. 16 and NO. 17

EXHIBIT #1 A Norb Novocin Deposition Sept. 21, 2022 Page 38 A. Trombetta signature is “garbled and kinda hard to read”.

EXHIBIT #1 B Norb Novocin Deposition Sept. 21, 2022 Page 52 could not discern first initial and Plaintiff’s last name.

EXHIBIT #1 C Norb Novocin’s Sept. 21, 2022 Deposition Page 47 “A. Trombetta signature photo “ only surviving photos from the alleged 2012 ad. Pl.Evid 000163.

EXHIBIT #1 D Norb Novocin’s Sept. 21, 2022 Deposition Page 31- 32, and pages 83 to 86, regarding noted Tear” in the painting and Norb Novocin admission there is no visible Tear in his photo entered into discovery or his knowledge of any restoration

EXHIBIT #2 A Signatures by EAI and Plaintiff ’s childhood handwriting.
#2 B Pages 8 and 9 eBay Phone Transcript and Pl. Evid. 000144 and 000158.
#2 C Norb Novocin Phone Transcript page 3 -signed Annamarie Trombetta

PLAINTIFF’S STATEMENT OF FACTS NO. 3

EXHIBIT #3 Plaintiff Evid. 000072 Jan. 2015 email from Susan (Sudha) Goldstein

EXHIBIT #4 Plaintiff Evid.000073 Notarized Letter Susan Goldstein-Lost sale of artwork

EXHIBIT #5 Plaintiff Evid. 000074 Scott Goodwillie Letter/Email loss of interested gallerists in Plaintiff’s artwork due to the EAI auction ad on WorthPoint’s website.

EXHIBIT #6 Plaintiff Evid. 000075 Dr. Joseph Scelsa Letter/Email Fraudulent ad and oil painting Jeopardizing Plaintiff’s future chances to exhibit at Italian American Museum.

EXHIBIT #7 Plaintiff’s Evid. 000052 Plaintiff’s Evid. 000053 Plaintiff’s Evid. 000056 Listing of 1972 Original Oil Painting Man With Red Umbrella Signed with Plaintiff’s solo - Italian American Museum Exhibit and website link italianamericanmuseumexhibition On Site Plein air.html—

PLAINTIFF’S STATEMENT OF FACTS NO. 4

EXHIBIT #8 000295 SEE ECF 503 SEE EXHIBIT #2 Copyright Deposit Pages in Plaintiff’s Evid. 000119, 000120, 000121, 000122, 000123, 000124, 000125 and Plaintiff’s Evid. 000126.

PLAINTIFF’S STATEMENT OF FACTS NO. 5 and NO. 6

EXHIBIT #9 Plaintiff Evid. 000149, 0000150 and 000151

PLAINTIFF’S STATEMENT OF FACTS NO. 8

**EXHIBIT #10 Plaintiff Evid. 000022 -Plaintiff Evid. 000023-Plaintiff Evid. 000024
Plaintiff Evid. 000026 -Plaintiff Evid. 000028 Plaintiff Evid. 0000228 B**

PLAINTIFF’S STATEMENT OF FACTS NO. 9

**EXHIBIT #11 Plaintiff Evid. 000058 -Plaintiff Evid. 000059 - Plaintiff Evid. 000060
Plaintiff Evid. 000062A Plaintiff Evid. 000063 Plaintiff Evid. 000064
Plaintiff Evid. 000065 Plaintiff Evid. 000066 Plaintiff Evid. 000067
Plaintiff Evid. 000068**

PLAINTIFF’S STATEMENT OF FACTS NO. 10

**EXHIBIT #12 Plaintiff’s Evid. 000285 and 000286 and Plaintiff’s Evid. 0000021
Plaintiff’s Evid. 000023 Plaintiff’s Evid. 000025 Plaintiff’s Evid. 000027**

EXHIBIT #13 Phone Transcript of Plaintiff and WorthPoint employee Anita Brooks

PLAINTIFF’S STATEMENT OF FACTS NO. 11

EXHIBIT #14 Phone Transcript of Plaintiff and WorthPoint employee Greg Watkins

PLAINTIFF’S STATEMENT OF FACTS NO. 12

**EXHIBIT # 15 WorthPoint’s bated stamped evidence in WP000062 WP000096 and
WP000135.**

**EXHIBIT #16 Plaintiff Evid. bated stamped Will Seippel Feb. 20, 2016 email to Plaintiff
in Plaintiff Evid. 000034 Plaintiff Evid. 000039 and Plaintiff Evid. 000040.**

PLAINTIFF’S STATEMENT OF FACTS NO. 13

EXHIBIT #17 WorthPoint Evid. Jan. 4, 2017 emails WP000132, WP000133, WP000134

PLAINTIFF’S STATEMENT OF FACTS NO. 14 and NO. 15

**EXHIBITS # 18 A Plaintiff Evid. 000872 Plaintiff Yahoo WorthPoint Membership fee
EXHIBITS # 18 B Plaintiff Evid. 000158 -000159 Text from 1972 oil painting ad on
WorthPoint webpage with Estate Auction Inc description.**

In The United States District Court For Southern District of New York

Annamarie Trombetta,
Plaintiff, Civil Action No. 18-cv-0993-RA-HBP
vs.
Norb Novocin, Marie Novocin,
Estate Auctions Inc.
and
WorthPoint Corporation
Defendants

CERTIFICATE OF SERVICE

I certify that on June 14, 2023, a true and correct copy of the foregoing document was served upon the parties of record via the Court's CM/ECF system and directly to all attorneys listed below to include Adam Bialek, Jana Farmer and John Cahill attorneys for WorthPoint Corporation and attorney Anderson Duff representing Marie and Norb Novocin and Estate Auctions Inc.

Dated: New York, New York June 14, 2023

Respectfully Submitted by

Annamarie Trombetta
175 East 96th Street (12 R)
New York, New York 10128
Pro Se Plaintiff

——Electronic Signature ——

/s/ Annamarie Trombetta June 14, 2023

Annamarie Trombetta Pro Se Plaintiff

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